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HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C. No. 100/2007

APPELLANT : Suresh Singh, Aged about 44 years, S/o Hari Singh Thakur, R/o Bandhawapara, Sarkanda, Tahsil and District Bilaspur (C.G.)

Versus

RESPONDENTS : 1) Vijay Kumar Sonale, S/o Shri Bharatlal Sonale, R/o Mohalla Tarbahar, Near Middle School, Besides Gurughasidas Mandir, Tahsil and District Bilaspur (C.G.)
: 2. The Oriental Insurance Company Limited, Through : Branch Manager, Opp. High Court, Tahsil and District Bilaspur (C.G.)

Present:

Shri Gautam Khetrapal, counsel for the applicant

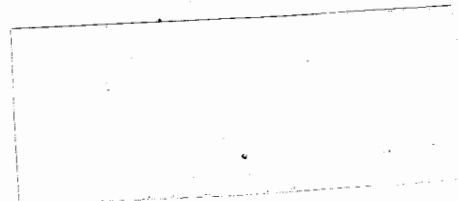
ORAL ORDER

(Passed on 13th March, 2007)

The following oral order of the Court was passed by Dilip Raosaheb Deshmukh, J.

Heard on M.(C).P.No.414/2007 for condonation of delay in filing the M.C.C.No.100/2007.

2. Brief facts are that on 5.9.2006 the applicant had filed an appeal for enhancement of compensation under award dated 26.05.2006 by the Commissioner, Workmen Compensation, Labour Court, Bilaspur under Section 30 of the Workmen Compensation Act. This appeal was barred by limitation. The appellant did not file any application for condonation of delay in filing the appeal for more than three months. Ultimately, the matter was listed on 22.11.2006 before



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the Court. On 22.11.2006, learned counsel for the appellant prayed for two weeks' time to file an application for condonation of delay in filing the appeal which was also granted while making it clear that if the default is not removed within the stipulated period, the appeal shall be liable to be dismissed without further reference to the Bench. The appellant did not file an application for condonation of delay within the time stipulated, due to which in view of the order passed by this Court, the appeal was treated as dismissed by the Registrar (Judicial) on 27.12.2006.

3. The appellant awoke from his slumber on 1.3.2007 and preferred M.C.C.No.100/2007 for restoration. An application for condonation of delay was filed along with the application. The only ground mentioned in the application is that the appellant was not available between 22.11.2006 to 25.02.2007 since he had gone to Kondagaon with his Family members. It is not shown as to for what purpose, the appellant had gone to Kondagaon with his family members for almost three months. It is also pertinent to note that the application for condonation of delay also does not provide any sufficient explanation for the delay. Law comes to the aid of a litigant who is vigilant and not to the indolent. In this case, there is absolutely no ground for condoning delay in filing the M.C.C.No.100/2007. M.C.P.No.414/2007 is accordingly dismissed. As a result, M.C.C.No.100/2007 also stands dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kur